

**THE LABOR COMMISSION
WORKERS' COMPENSATION ADVISORY COUNCIL**

**Wednesday, July 8, 2015 – 12:00 P.M.
Room 319A, Utah Labor Commission Offices
Salt Lake City, Utah**

The following Advisory Council members were in attendance:

Scott Westra and Hans Scheffler, Workers Compensation Fund (for Ray Pickup)
Tracy Klausmeier, Utah Dept of Insurance
Sen. Karen Mayne
K. Dawn Atkin, Esq., Atkin & Associates
David Bird, Esq., Parsons Behle and Latimer
Brian Kelm, attorney
Reo Castleton, President, SL Cnty Fire Dept Local 1696
Brandon Dew, Central Utah Federation of Labor
Edward Holmes, M.D., Summit View Medical

The following Advisory Council members were excused:

Todd Bingham, President, Utah Manufacturers Association
Jeff Rowley, Salt Lake County
Rich Thorn, Associated General Contractors
Kathleen Bissell, Liberty Mutual
Dave Davis, President, Utah Food Industry Association
Brandt Goble, Painters and Tapers Local 77

Others Present:

Sherrie Hayashi, Commissioner
Jaceson Maughan, Deputy Commissioner
Ron Dressler, Division Director, Industrial Accidents, Labor Commission
Sara Danielson, Utah Labor Commission, Administrative Assistant
Maggie Karpuc, NCCI
Heather Gunnarson, Adjudication Division, Labor Commission
Ed Koral, Deloitte Consulting
Rod Morris, Deloitte Consulting
Kathy Archuleta, Dept of Insurance
Richard Brewster
Sarah Nitta
Stan Mead
Clare Tobin Lence
Scott Mecham, GOMB

WELCOME

Welcome –Commissioner, Sherrie Hayashi brought the meeting to order at 12:15 p.m. Commissioner Hayashi welcomed everyone and noted that there was not a quorum, so items needing a vote would be postponed until a quorum was present.

Advisory Council Representative Reappointments:

Commissioner Hayashi stated that the following council members were up for reappointment: David Bird, Rich Thorn, Jeff Rowley, Brandon Dew, Reo Castleton and Kathleen Bissell. She stated that Brandon Dew would not be reappointed and that she had not heard from Kathleen Bissell. The others had

accepted reappointment. She stated that a replacement for Brandon Dew had been suggested and was under review

Nest Meeting:

Commissioner Hayashi noted that the September meeting of the Council had been changed from the date listed on the agenda. It will be held on September 16. She stated that the assessment rates would be presented and discussed at that meeting.

Adjudication Update:

Heather Gunnarson, Presiding Law Judge, presented information regarding the results of the Administrative Law Judge survey done by DHRM. (Handout) She stated that she looks at the data on a quarterly basis. She removes any identifying information prior to giving to the ALJs. She stated that the Labor Commission ALJs are doing well. She also stated that no complaints have been filed with DHRM regarding the Commission's ALJs.

Legislation and Rules:

Ron Dressler presented three proposed rule changes. The changes deal with the right of insurance carriers to appeal the penalties assessed by the Commission, identifying the process as an informal process with appeal rights to District Court. Because there was not a quorum present, Ron will distribute the rules via email for a vote. He would like to be able to make the rules effective by early fall.

Ron Dressler stated that the Commission is trying to come up with a definition of what reasonable hospital fees are for non-contract services. He stated that NCCI is providing information regarding what is being billed for various services. The Commission will have further discussions with interested parties and hopes to provide an update to the Council at the next meeting. It was also mentioned that the Commission has limited statutory authority to develop a fee schedule for hospital services.

ERF RFI Review:

Ed Koral from Deloitte Consulting presented the review of the information submitted in response to the RFI regarding liability Assumption of the ERF. The draft report was provided to the Council. Discussion was held.

Commissioner Hayashi asked that the Council review the report and consider the presentation. She stated that either Dave Lamb or Ron Dressler would follow-up with the Treasurer's office on the investment strategies for possible higher return. This information would be available at the next meeting for further discussion. She also stated that at this time the Commission is most likely not in favor of changing the status quo.

Stan Mead requested that the companies which submitted information be allowed to study the report and make comments/clarification. Commissioner Hayashi agreed. Mr. Mead stated that he felt that there was a solutions that would be beneficial to all involved.

Other Business:

Commissioner Hayashi mentioned that Ron Dressler had been appointed to the IAIABC board.

Meeting adjourned at 1:35 pm.